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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: : Group Art Unit: 1804
Boyse et al. : Examiner: Stanton, B.
Serial No.: 08/442,277 : **RECEIVED**
Filed: May 16, 1995 : NOV 18 1996
For: ISOLATION AND PRESERVATION : **GROUP 1800**
OF FETAL AND NEONATAL :
HEMATOPOIETIC STEM AND :
PROGENITOR CELLS OF THE :
BLOOD :
Attorney Docket No. 6287-026 : PENNIE & EDMONDS
: 1155 Avenue of the Americas
: New York, New York 10036-2711

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

Your petitioner, Christopher Moller, of Biocyte Corporation, 610 Fifth Avenue, Suite 316, New York, New York 10020, represents that he is the President of Biocyte Corporation, assignee of the entire right, title, and interest in patent application Serial No. 08/442,277 filed May 16, 1995, for ISOLATION AND PRESERVATION OF FETAL AND NEONATAL HEMATOPOIETIC STEM AND PROGENITOR CELLS OF THE BLOOD. Application Serial No. 08/442,277 is a continuation of application Serial No. 07/950,356 filed September 24, 1992 which is a continuation of application Serial No. 07/269,926 filed November 10, 1988. The assignment was recorded in connection with Serial No. 07/269,926 on February 3, 1989, at Reel 6170, Frame 0001. Your petitioner, in his capacity as President, hereby disclaims the terminal part of any patent granted on the above-identified application which could extend beyond the expiration date of U.S. Patent No. 5,192,553, which issued on March 9, 1993 based on application

Serial No. 07/269,926, filed November 10, 1988 for "ISOLATION AND PRESERVATION OF FETAL AND NEONATAL HEMATOPOIETIC STEM AND PROGENITOR CELLS OF THE BLOOD AND METHODS OF THERAPEUTIC USE," the entire right, title, and interest in which is also assigned to Biocyte Corporation. This assignment was recorded on February 3, 1989, Reel 6170, Frame 0001. Your Petitioner further agrees that any patent granted on application Serial No. 08/442,277 shall be enforceable only for and during such period that the legal title thereto shall be the same as the legal title to U.S. Patent No. 5,192,553 granted on March 9, 1993 based on application Serial No. 07/269,926, this agreement to run with any patent granted on application Serial No. 08/442,277 and to be binding upon the grantee, its successors or assigns.

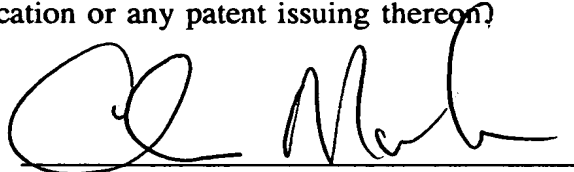
Petitioner does not disclaim any terminal part of any patent granted on said above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,192,553, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,192,553 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/6/96



Christopher Moller, Ph.D.
President
BIOCYTE CORPORATION

Signed at Philadelphia, USA.
(City) (Country)

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FEE TRANSMITTAL FOR TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

NOV 18 1996

Sir:

Applicants submit herewith a Terminal Disclaimer in connection with the above-identified application.

In accordance with the provisions of 37 C.F.R. § 1.20(d), the fee required to be filed with this disclaimer has been determined to be \$55.00 (small entity). Please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date November 15, 1996

S. Leslie Misrock 18,872
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By: Adriane M. Antler 32,605
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Enclosure

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- BY HAND -

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